

## CHAPTER VII

### OFFICERS; GENERAL PROVISIONS

SECTION 7.00. (Resignation). Any elective or appointive officer provided for by this charter, having entered upon the duties of his office, may resign the same, with the consent of the common council; provided, that any member of a board may resign with the consent of such board.

SECTION 7.01. (Conflict of interest). Subdivision 1. No officer of the city who is authorized to take part in any manner in making any sale, lease or contract shall voluntarily have a personal financial interest in or personally benefit financially from that sale, lease or contract except as permitted by law. No such officer shall take part in any manner in the making of any such permitted sale, lease or contract without first making public disclosure of that interest.

Subd. 2. A code of ethics shall be enacted by the Common Council to establish guidelines for the behavior of employees, elected officials, and volunteers serving in any capacity for the City of Rochester. Any person, whether employed, elected, or appointed, shall avoid any action that constitutes a conflict of interest or the appearance of a conflict of interest in carrying out the responsibilities of office. No personal gain beyond authorized compensation shall be derived from a position that is not available to the public at large.

SECTION 7.02. (Appointment by council). Officers appointed by the common council shall receive a majority vote of all members to constitute an appointment, such vote to be had 'via voice' on roll call.

(Ord. #2698, 8/7/90;)

SECTION 7.021. (Limitations on Continued Service). Every appointed member of any board and commission shall be required to attend at least eighty percent (80%) of the regularly scheduled meetings each calendar year of such body unless excused from attendance by the chair of that body. Each board and commission shall maintain attendance records which document absences of members from meetings and which indicate whether those absences are excused or unexcused. Each chair of a board or commission shall report to the Mayor the name of any board or commission member whose attendance record, excluding excused absences, fails to meet the 80% attendance requirement specified above. Failure of any appointed board or commission member to meet the said attendance requirement shall constitute just cause to remove the individual from that appointed position. In the case of a non-charter board member, the appointing authority may summarily remove that board member upon a determination that the member has failed to meet the attendance requirement. In the case of a charter board member, the appointing authority may institute proceedings as otherwise specified in this Charter to remove the individual from the appointed position.

(Ord. #2713, 11/6/90; 3708, 6/6/05)

SECTION 7.022. (Limitations on Length of Service). Except as otherwise expressly provided by state law, no appointed member of any board or commission of the City shall be

eligible to serve on such board or commission more than six consecutive years or two consecutive terms whichever period of time is longer. Any person whose reappointment is prohibited by this restriction shall become eligible again for reappointment to the same board or commission twelve months after the date on which the individual first became ineligible for reappointment. This section shall apply only to those years of service and terms of office commencing after December 6, 1990.

(Referendum: 11/6/90;)

SECTION 7.03. Subdivision 1. (Removal of Employees). Except for the city attorney and city administrator, who may be removed by the common council at will, no employee of the city shall be removed except for cause, nor unless the employee has first been furnished with a copy of the charges made against the employee, and has had reasonable opportunity to respond to the charges. If the employee is removed from city employment, the employee may seek a "for cause" hearing before the common council or appropriate board. The common council or appropriate board shall have the power to establish the procedures for said hearing. (Ordinance No. #3708 – effective 6/6/05)

Subd. 2. (Removal of Charter Board Members). Any board or commission established by this Charter shall have the power, upon its own motion or upon motion of the appointing authority, with the concurrence of two-thirds (2/3rds) of its members, to expel a member. No such board or commission member shall be removed except for cause, having first been furnished with a copy of the charges made against him, and having been provided a reasonable opportunity to be heard in person or by counsel in his own defense. The appropriate board or commission shall have the power to establish the procedures for said hearing. Any board or commission member expelled pursuant to this subdivision may seek review by the common council by filing a written request for review with the council within ten days of the board's or commission's formal action. Thereafter the council shall hold a public hearing and shall either affirm or reverse the Board's or commission's expulsion.

Subd. 3. (Removal of other Board and Commission Members). The appointing authority may remove any member of a board or commission, except for a member of a board or commission established by charter, when the best interests of the City are served thereby.

Subd. 4. (Petition for Removal of Board Member). Whenever 50 or more registered voters of the City of Rochester shall file with the City Council a petition demanding the removal of an appointed board or commission member, and setting forth the facts upon which such demand for removal is based, the City Council shall, upon notice to the board or commission member whose removal is sought, schedule and hold a public hearing to review the basis for such demand. The Council shall provide the member whose removal is sought with a copy of the petition and shall also provide a reasonable opportunity to be heard in person or by counsel in his own defense at the hearing. For charter board members, the Council shall not remove the board member except for cause. For non-charter boards and commissions, the City Council shall determine whether the best

interests of the City are served by the removal.

(Ord. #2505, 5/6/86; 3199, 1/99; 3579, 7/21/03)

SECTION 7.04. (Administration and organization). The common council may create such departments and offices for the administration of the city's affairs as it may deem necessary, and from time to time may alter their duties and organization. The common council may abolish or combine the departments and offices as it sees fit in the same manner in which they were created. The common council may delegate the appointment and removal of officers and employees as it sees fit. All appointments and removals shall be on such terms and conditions and according to such employment procedures as the common council may provide, subject to applicable provisions of this charter and state law.

(Ord. #2505, 5/6/86;)

SECTION 7.05. (Audit). Subdivision 1. The common council shall examine, audit and adjust the accounts of all officers and agents of the city at such times as they may deem proper, and also at the end of each fiscal year, and before the term for which the officer of said city were elected and appointed shall have expired; and the common council shall require every such officer or agent to exhibit his bonds, accounts and vouchers for such examination and settlement and if such officer shall refuse to comply with the order of said common council in the discharge of his said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books or vouchers to said common council, or a committee thereof, it shall be the duty of the common council to declare the officer of such person vacant.

Subd. 2. The common council may order suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or the discharge of his official duty, and shall make a full record of all such settlements and adjustments

SECTION 7.06 (Compensation; elected officials). Subdivision 1. The salary for the offices of mayor, councilmember-at-large and councilmember shall be fixed by ordinance adopted by the Council. The ordinance shall state that no increase in salary shall be effective until after publication and on a date that is after the next succeeding municipal election.

(Amended by Ord No. 3135, effective March 7, 1998; Ord. No. 3778, effective July 5, 2006)

Subd. 2. In addition to his salary, the mayor shall have the exclusive control of a contingency fund in the amount of \$1,000.00 each year or in such greater amount as the common council may by resolution provide. Expenditures made from this fund shall be subject to such postaudit as the common council may provide.

SECTION 7.07. (Certain compensation prohibited). Members of the park board, the library board and the public utility board shall receive no compensation for their service but shall be paid all actual and necessary expenses incurred in performing their official duties.

(Ord No. #3699 – effective 4/4/05)

SECTION 7.08. (Compensation; officers and employees). All other officers and employees of the city whose compensations are not specifically mentioned in this charter, except the officers or employees hired and controlled by any board empowered to fix their respective salaries and wages, shall each receive such compensation as the common council may deem proper.

SECTION 7.09. (Bond required). The common council shall provide surety bonds for the faithful performance of the director of finance, city attorney, chief of police, and police officers, and may provide such bonds for other officers and employees in such penal sums and conditions as the common council may direct.

